

REMARKS

Claims 1-10 are pending in the above application.

The Office Action dated June 30, 2005, has been received and carefully reviewed. In that Office Action, claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Yukawa.

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

The issues raised in the June 30, 2005, Office Action were discussed with examiners Hung Lam and Huan Ho during a personal interview on October 12, 2005. Specifically, claims 1, 2 and 7 and the Yamamoto and Yukawa references were discussed. The examiner provided proposals for amending the claims to address the outstanding rejections. Applicant wishes to thank the examiner for taking the time to provide these helpful proposals for advancing the prosecution of this application. The examiner would only agree that his proposed claim amendments would overcome the present rejections. The examiner would not agree that the amendments would place the application in condition for allowance. It was also agreed that a proper motivation for combining the references had not been identified. Therefore, either a Notice of Allowance or a new, non-final Office Action should issue after this Reply is filed.

A MOTIVATION FOR COMBINING THE REFERENCES HAS NOT BEEN PROVIDED

As discussed during the interview, a proper motivation for combining Yamamoto and Yukawa has not been identified. Yukawa is directed to a film camera (column 18, lines 19-29) and does not have an image pickup device for image-output of a camera. Yukawa only has image pickup devices for determining a focusing state. Yukawa therefore provides no information about the relationship between pickup devices for determining focusing state and pickup devices for image output as claimed. The examiners agreed that a proper motivation for combining these references had not been provided. It is therefore respectfully submitted that the finality of the June 30, 2005, Office Action is premature and should be withdrawn. It is also submitted that, because a proper motivation for combining Yamamoto and Yukawa has not been

presented, a *prima facie* case of obviousness has not been presented and that the rejection of claims 1-10 as being unpatentable over Yamamoto and Yukawa should be withdrawn.

CLAIM AMENDMENTS

Because the finality of the June 30, 2005, Office Action is premature, it is believed that the above amendments to claims 1, 2 and 7 should be entered. The amendments to claims 1 and 2 are the amendments discussed with the examiners during the recent interview. During the interview, the examiner agreed that these amendments would distinguish over the art of record. The amendment to claim 7 is believed to be consistent with the amendments to claims 1 and 2. In view of the above amendments, claims 1-10 are submitted to be allowable.



CONCLUSION

Each issue raised in the Office Action dated June 30, 2005, has been addressed, and it is believed that claims 1-10 are in condition for allowance. Wherefore, reconsideration and allowance of claims 1-10 is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 26, 2005

Respectfully submitted,

By  #39,491
Michael K. Mutter
Registration No.: 29,680
Scott T. Wakeman 
Registration No.: 37,750
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorneys for Applicant